

under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) *Official mark* means the grade-mark and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product or affixed to or printed on the packaging material of any product, stating that the product was graded or indicating the appropriate U.S. Grade or condition of the product, or for maintaining the identity of products graded under this part, including but not limited to, those marks set forth in § 70.51.

(d) *Official identification* means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device* means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

### § 70.3 Administration.

The Administrator shall perform for and under the supervision of the Secretary such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures and grading techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations. The Agricultural Marketing Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

### § 70.4 Grading services available.

The regulations in this part provide for the following kinds of service; and any one or more of the different services applicable to official plants may be rendered in an official plant:

(a) Grading of ready-to-cook poultry and rabbits in an official plant or at other locations with adequate facilities.

(b) Grading of specified poultry food products in official plants.

### § 70.5 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without regard to race, color, national origin, religion, age, sex, or disability.

[60 FR 6640, Feb. 2, 1995]

### § 70.6 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements by the Office of Management and Budget contained in 7 CFR part 70 pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511.

(b) *Display.*

7 CFR section where identified and described	Current OMB control No.
70.3 .....	0581-0127
70.10 .....	0581-0127
70.17 .....	0581-0127
70.18 .....	0581-0127
70.20(a) .....	0581-0127
70.21 .....	0581-0127
70.31(a) .....	0581-0127
70.31(b) .....	0581-0127
70.33 .....	0581-0127
70.34 .....	0581-0127
70.35 .....	0581-0127
70.36 .....	0581-0127
70.38(c) .....	0581-0127
70.38(d) .....	0581-0127
70.40 .....	0581-0127
70.50 .....	0581-0127
70.61 .....	0581-0127
70.62 .....	0581-0127
70.73 .....	0581-0127
70.76(b)(1) .....	0581-0127
70.76(b)(3)(ii) .....	0581-0127
70.77(a)(1) .....	0581-0127
70.77(a)(4) .....	0581-0127
70.77(b)(1) .....	0581-0127
70.77(b)(3)(ii) .....	0581-0127
70.91(a) .....	0581-0127
70.91(c) .....	0581-0127
70.92 .....	0581-0127

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7 CFR section where identified and described	Current OMB control No.
70.100 .....	0581-0127
70.102 .....	0581-0127
70.210(e) .....	0581-0127
70.310(e) .....	0581-0127

[48 FR 56566, Dec. 22, 1983, as amended at 51 FR 26224, July 22, 1986]

### BASIS OF SERVICE

#### § 70.10 Grading service.

Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States classes, standards, and grades as contained in subparts B and C of this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant, and such service, when approved by the Administrator, shall be rendered on the basis of such specifications.

#### § 70.11 [Reserved]

#### § 70.12 Supervision.

All grading service shall be subject to supervision at all times by the responsible State supervisor, regional director, and national supervisor. Such service shall be rendered in accordance with instructions issued by the Administrator where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grademarks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

#### § 70.13 Ready-to-cook poultry and rabbits and specified poultry food products; eligibility.

Only ready-to-cook poultry and rabbits and specified poultry food products

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which are inspected and passed by the poultry inspection service of the U.S. Department of Agriculture or by any other official inspection system acceptable to the Department may be graded.

#### § 70.14 Squabs and domesticated game birds; eligibility.

Squabs and domesticated game birds (including, but not being limited to, quail, pheasants, and wild species of ducks and geese raised in captivity) may be graded under the regulations in this part, only if they have been inspected and passed by the poultry inspection service of the U.S. Department of Agriculture or have been inspected by any other official inspection system acceptable to the Department.

#### § 70.15 Equipment and facilities to be furnished for use of graders in performing service on a resident basis.

Such equipment and facilities shall include but not be limited to:

(a) An accurate metal stem thermometer.

(b) A drill with a steel bit to drill holes in frozen product for inserting the metal thermometer stem to determine temperature.

(c) Scales graduated in tenths of a pound or less for weighing carcasses, parts, or products individually or in containers up to 100 pounds, and test weights for such scales.

(d) Scales graduated in one-pound graduation or less for weighing bulk containers of poultry and test weights for such scales.

(e) Furnished adequate office space, a desk equipped with a satisfactory locking device, lockers or cabinets suitable for the protection and storage of official supplies and facilities suitable for graders to change clothing.

[41 FR 23681, June 11, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 51 FR 17280, May 9, 1986; 60 FR 6640, Feb. 2, 1995]

#### § 70.16 Prerequisites to grading.

Grading of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.